



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on March 21, 2006

Date of Meeting: February 7, 2006

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:34 p.m. on Tuesday, February 7, 2006 all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Vice-Mayor, Council Member Ward 5
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Absent

None

Staff Members Present:

Mike Hein	City Manager
Michael Rankin	City Attorney
Kathleen S. Detrick	City Clerk
Mike Letcher	Deputy City Manager

Kathleen S. Detrick, City Clerk, announced Susie Rogers would be assisting with anyone in the audience needing Spanish language translation for items listed on the agenda.

Mayor Walkup requested a minute of silence to honor Trevor Lee, who recently was killed in a hit and run accident.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Minister Nathan P. Randolph, Ina Road Church of Christ, after which the pledge of allegiance was presented by the entire assembly.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 64, dated February 7, 2006 would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Council to report on current events and asked if there were any reports.

- a. Council Member West reflected upon the death of former Arizona Governor Sam Goddard and extended condolences to his family, including Arizona Attorney General, Terry Goddard. She also spoke about the funeral of civil rights activist Coretta Scott King. She asked for a moment of silence to honor those two individuals. Council Member West announced the Internal Revenue Service would not have tax forms available at the Ward 2 office this year. It was a cost cutting measurement from the IRS. She announced where forms could be obtained. She also reminded the public about the affordable housing town hall meeting that would be held at Eastside City Hall on February 8, 2006.
- b. Council Member Scott announced that Ward 4, along with the Mayor, would be hosting a public safety town hall meeting on February 16, 2006 at the Clements Regional Center. The Fire Chief and the Police Chief would both be present. Council Member Scott also invited the public to the first debate on the Regional Transportation Plan scheduled for February 22, 2006 at Empire High School.
- c. Council Member Trasoff said she, and the staff at Ward 6, were utilizing the Tucson Challenge in order to have healthier lifestyles. She said the biggest thing people could do to keep health care costs at a minimum would be to eat right and exercise. Council Member Trasoff reminded everyone of the Ward 6 open house on February 16, 2006.
- d. Council Member Uhlich announced there was a fund for the family of Trevor Lee through Homicide Survivors. She said she would be working with the Transportation Department to find ways as a City to have greater safety for children.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 65, dated February 7, 2006, would be received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

There was no report.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 50, dated February 7, 2006, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

New License

1. Gourmet of China, Ward 4
2544 S. Kolb Road
Applicant: Sally Xiao Le
Series 12, City 108-05
Action must be taken by: February 16, 2006
Staff has indicated the applicant is in compliance with city requirements.

Person Transfer

2. Snuffy's Bar & Grill, Ward 5
6302 S. Park Avenue
Applicant: Richard Dale Benner Sr.
Series 06, City 109-05
Action must be taken by: February 17, 2006
Staff has indicated the applicant is in compliance with city requirements.

c. Special Event

NOTE: There are no applications for special events scheduled for this meeting.

d. Agent Change

NOTE: There are no agent changes scheduled for this meeting.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 and 5b2 to the Arizona State Liquor Board with a recommendation for approval.

6. CONSENT AGENDA – ITEMS A THROUGH O

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda Items would be received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

A. ASSURANCE AGREEMENT: (S05-092) PANTANO OVERLOOK SUBDIVISION (RCP), LOTS 153 TO 172

1. Report from City Manager FEB7-06-51 WARD 2
2. Resolution No. 20273 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S05-092 of a final plat for Pantano Overlook Subdivision, Lots 153 to 172; and declaring an emergency.

B. FINAL PLAT: (S05-092) PANTANO OVERLOOK SUBDIVISION (RCP), LOTS 153 TO 172

1. Report from City Manager FEB7-06-52 WARD 2
2. City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

C. REAL PROPERTY: DEDICATION OF RIGHTS-OF-WAY FOR PROPERTY ASSOCIATED WITH THE PLAT OF THE MERCADO DISTRICT OF MENLO PARK (REFERENCE FINAL PLAT S04-053)

1. Report from City Manager FEB7-06-55 WARD 1
2. Ordinance No. 10245 relating to real estate; authorizing and approving the dedication of rights-of-way and the abandonment of easements associated with the plat of the Mercado District of Menlo Park; and declaring an emergency.

D. ASSURANCE AGREEMENT: (S04-053) MERCADO DISTRICT OF MENLO PARK, RESIDENTIAL LOTS 1 TO 100; COMERCIAL BLOCKS “A”, “B”, “C”, AND “D”, COMMON AREAS “A”, “B”, “C”, “D”, “E”, AND “F”

1. Report from City Manager FEB7-06-58 WARD 1

2. Resolution No. 20277 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S05-053 of a final plat for the Mercado District of Menlo Park Subdivision, Lots 1 to 100, Commercial Blocks “A” – “D” and Common Areas “A” - “F”; and declaring an emergency.
- E. FINAL PLAT: (S04-053) MERCADO DISTRICT OF MENLO PARK, RESIDENTIAL LOTS 1 TO 100; COMERCIAL BLOCKS “A”, “B”, “C”, AND “D”, COMMON AREAS “A”, “B”, “C”, “D”, “E”, AND “F”
1. Report from City Manager FEB7-06-47 WARD 1
 2. The City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- F. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR THE NATIONAL YOUTH SPORTS PROGRAM
1. Report from City Manager FEB7-06-48 CITY WIDE
 2. Resolution No. 20274 relating to Finance; approving and authorizing the allocation of five hundred dollars (\$500) from the Community Support Fund to Organization 001-183-1898-268, to support funding to the National Youth Sports Program (NYSP), on the campus of the University of Arizona; and declaring an emergency.
- This is a request by Mayor Walkup. Allocation of funds is as follows:
Mayor Walkup - \$500.00
- G. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR THE METROPOLITAN EDUCATION COMMISSION’S GOAL ONE: GRADUATE! MEDIA CAMPAIGN
1. Report from City Manager FEB7-06-62 CITY WIDE
 2. Resolution No. 20278 relating to Finance; approving and authorizing the allocation of one thousand dollars (\$1,000) from the Community Support Fund to Organization 001-183-1898-268, to support funding to the Metropolitan Education Commission’s Goal One: Graduate! Media Campaign; and declaring an emergency.
- This is a request by Mayor Walkup. Allocation of funds is as follows:
Mayor Walkup - \$1000.00
- As discussed in Study Session, Item G was continued.

- H. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR LOW-INCOME UTILITY BILL ASSISTANCE PROGRAM
1. Report from City Manager FEB7-06-54 CITY-WIDE AND OUTSIDE CITY
 2. Resolution No. 20275 relating to water; authorizing and approving the execution of a Third Amendment to an Intergovernmental Agreement with Pima County for a Low-Income Utility Bill Assistance Program; and declaring an emergency.
- I. REAL PROPERTY: VACATION AND SALE OF SURPLUS CITY TO THE UNIVERSITY OF ARIZONA FOR THE HIGHLAND AVENUE PARKING GARAGE
1. Report from City Manager FEB7-06-60 WARD 6
 2. Ordinance No. 10246 relating to real property; vacating and declaring certain City-owned rights-of-way including portions of Highland Avenue and Vine Avenue from Mabel Street to Helen Street to be surplus and authorizing the sale thereof to the University of Arizona for the Highland Avenue Parking Garage; and declaring an emergency.
- J. FINAL PLAT: (S05-147) BEST MAILING LISTS PHASE II, BLOCKS A AND B, A MINOR SUBDIVISION FOR PARCELS 144-46-019D AND 144-46-019E
1. Report from City Manager FEB7-06-61 WARD 2
 2. The City Manager recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- K. MAYOR AND COUNCIL: AMENDMENT TO RULES AND REGULATIONS RELATING TO PRESENCE AT A MEETING
1. Report from City Manager FEB7-06-68 CITY-WIDE
 2. Resolution No. 20279 relating to Rules and Regulations of the Governing Body; amending to provide procedures for Members' Electronic Presence at a meeting; and declaring an emergency.
- As discussed in Study Session, Item K was continued to a future Study Session to allow for additional review.

L. APPROVAL OF MINUTES

1. Report from City Manager FEB7-06-67 CITY-WIDE
2. Approval of minutes for the regular meeting of the Mayor and Council held on January 4, 2006.

M. ASSURANCE AGREEMENT: (S05-048) STONE CROSSING, A COHOUSING NEIGHBORHOOD SUBDIVISION (RCP), 40 CONDOMINIUM UNITS AND COMMON AREAS "A", "B", "C", "D", AND "E"

1. Report from City Manager FEB7-06-57 WARD 3
2. Resolution No. 20276 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S05-048 of a final plat for the Stone Crossing, A CoHousing Neighborhood Subdivision, 40 Condominium units and common areas "A" – "E"; and declaring an emergency.

N. FINAL PLAT: (S05-048) STONE CROSSING, A COHOUSING NEIGHBORHOOD SUBDIVISION (RCP), 40 CONDOMINIUM UNITS AND COMMON AREAS "A", "B", "C", "D", AND "E"

1. Report from City Manager FEB7-06-56 WARD 3
2. City Manager recommends that, after approval of the assurance applicant is advised that building/occupancy permits are subject to the availability of agreement, the Mayor and Council approve the final plat as presented. The water/sewer capacity at the time of actual application.

O. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR TUCSON PRESIDIO TRUST FOR HISTORIC PRESERVATION/THE PRESIDIO TRAIL

1. Report from City Manager FEB7-06-70 WARD 2 AND WARD 6
2. Resolution No. 20281 relating to Finance; approving and authorizing the allocation of one thousand seven hundred fifty dollars (\$1750) from the Community Support Fund, Account No. 001-183-1898-268, to the Tucson Presidio Trust for Historic Preservation to assist in covering associated costs of printing brochures describing and publicizing The Presidio Trail; and declaring an emergency.

This is a request by Council Members West and Trasoff. Allocation of funds are as follows:

Mayor Walkup -	\$250.00
Council Member Ibarra -	\$250.00
Council Members West -	\$250.00
Council Member Uhlich -	\$250.00
Council Member Scott -	\$250.00
Vice Mayor Leal -	\$250.00
Council Member Trasoff -	\$250.00

It was moved by Council Member Scott, duly seconded, that Consent Agenda Items A through O, with the exception of items G, and K, which were continued, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott, and Trasoff;
Vice Mayor Leal and Mayor Walkup

Nay: None

Consent Agenda Items A through O, with the exception of items G and K, which were continued, was declared passed and adopted by a roll call vote of 7 to 0.

7. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for any items scheduled for a public hearing. Speakers would be limited to three minute presentations.

- a. Bill Katzel announced he would be running as the independent candidate for Congressional District Eight.
- b. Michael Toney presented a petition in response to the Deputy City Manager's memo regarding the University of Arizona Science Center. He also announced his intention to work on the issue of laser computers.
- c. Rob Blizzard thanked the Council for responding to comments he made at the December 13, 2005 call to the audience regarding the emergency evacuation of the disabled. He reported that he had met with Police and Fire about this topic and progress was being made.

- d. Servant Bishop Chicago of the Church Without Walls said he opposed America's foreign policies. Bishop Chicago said he felt like the City of Tucson Police Department ran off the elderly and poor from the Gem and Mineral show and that it needed to stop.
- e. Marjorie Cunningham thanked Mayor and Council for their continued support of The Presidio Trail.

8. PUBLIC HEARING: (SE-05-22) O'SHAUGHNESSY – CAMINO PRINCIPAL, C-1 ZONING SPECIAL EXCEPTION – APPEAL OF ZONING EXAMINER'S DECISION

Mayor Walkup announced City Manager's communication number 59, dated February 7, 2006, would be received into and made a part of the record. He also announced that this was the time and place legally advertised for a public hearing on an appeal of a decision of the Zoning Examiner regarding a special exception land use case. The appellant was Sam O'Shaughnessy, property owner. He asked the City Clerk to read the order of appeal.

Kathleen Detrick, City Clerk, announced the City Attorney would first summarize the procedural questions presented in the case.

Michael Rankin, City Attorney, stated this was an appeal of the Zoning Examiner's denial of the applicants' request for a special exception approval to sell spirituous liquors, in addition to beer and wine, in a C-1 zoned restaurant. He said that under the current *Land Use Code* provisions, alcohol served in a restaurant in a C-1 zone was limited to beer and wine unless special exception land use approval was obtained. In this particular case, the applicant had obtained a series twelve restaurant liquor license from the Arizona Department of Liquor License Control, which permits the sale of beer, wine and spirituous liquor, as a matter of state law. Mr. Rankin informed the Council that Arizona law requires them to grant the applicant's appeal in this case. Under Arizona Statute and the case law that applies to it, the City of Tucson and the Mayor and Council were preempted from regulating the applicant's ability to serve spirituous liquor as permitted by his series twelve license. The Mayor and Council had no choice with respect to the appeal. The only appropriate motion was to grant the applicant's appeal and reverse the decision of the Zoning Examiner, with additional directions given to the City Attorney, to proceed with amendments for *Land Use Code* provisions in question. Mr. Rankin advised the Mayor and Council that they may proceed with the scheduled public hearing, but it would not change the fact that their hands were tied by the requirements of Arizona law.

Ms. Detrick stated the order for the appeal. First, the appellant would speak, secondly, there would be a response from City staff, third would be testimony from any member of the public who wished to address the Council, fourth would be any rebuttal, and then the Mayor and Council could direct questions to the parties and act on the case.

Sam O'Shaughnessy gave a brief history for the new Council Members. He stated that thirteen months ago it was recommended by the State of Arizona that he receive a series twelve restaurant license. Based on that recommendation, the United States Small Business Administration (SBA) issued him a construction loan to build a restaurant. With that money, Mr. O'Shaughnessy obtained a building permit with the City. He built a beautiful supper club on the eastside of Tucson. Mr. O'Shaughnessy said on November 17, 2005 a special permit was denied to him to sell spirituous liquors, then two days later the SBA pulled his loan because he could no longer meet his economic sales tax on the restaurant. Mr. O'Shaughnessy said he was present to defend what he felt was right and he hoped the matter could be put behind him and he could go on with his life.

Ms. Detrick said unless there was any further comments from staff, they would proceed with the testimony from the members of the public.

Mayor Walkup announced speakers would be limited to three-minute presentations. He called on the first speaker.

Anne Stephenson, said Mr. O'Shaughnessy's establishment was located in a quiet low intensity office use residential area. There was more intensive commercial use to the north wall on Tanque Verde Road, but there was no intensive commercial use where the O'Shaughnessy's establishment was. She said Camino Principal was only one block long at that location. It was the only ingress/egress into Pantano Townhomes with one hundred twelve homes. They were looking at a safety issue that was brought to the attention of Council Member West, when the alley was kept for a buffer zone, rather than for emergency use. When the Council made their decision on this appeal, she hoped their good judgement would prevail and more thought and consideration would be given to the consequences of a full service bar establishment.

Ms. Stephenson said a potential problem did exist. Currently there were over twenty full service bars or restaurants that served hard liquor and state law allowed them to stay open until 2:00 a.m. They announce last call for beverages, then proceed to the parking lot where many of them were in an inebriated state. They lose their keys, laugh, talk and their car alarm goes off. The nearest residence was eighty-seven feet from the restaurant, probably twenty-five to thirty feet to the nearest bedroom from a parking stall from that establishment. The operation of a full service bar within eighty-seven feet of a residential area, operating in the hours of darkness, early morning hours, was not very good. She said she felt granting the special exception was in violation of the *Pantano East Area Plan* and did not know why they had plans if they could not be upheld. The plan was to encourage harmony with the adjacent residential uses and they were asking the Council to protect them by upholding the zoning that was put in place.

Walter Stephenson, said he understood the law was the law and the way things worked out was not the best for their neighborhood. He hoped that Mr. O'Shaughnessy would work with them in trying to keep the noise down from his establishment and also form something through Council Member West's office where they would have some

type of mutual understanding and avoid this situation from occurring again. He did not feel the way this ended up was in the best interest of the community.

Richard Nylund stated he was opposed to the decision made by the Arizona State Liquor Licensing in Phoenix. He had hoped the Council in earlier times would have opposed that. Letters were sent to the Zoning Examiner and people attended the meeting, which turned out to be unnecessary and very misleading and disappointing to those who believed in the process of law and rule of a democratic society. He asked why a Zoning Examiner's meeting was held, if essentially they had no say in it. He was extremely disappointed. Mr. Nylund felt there was misrepresentation by Mr. O'Shaughnessy. Mr. Nylund said at a prior zoning meeting, Mr. O'Shaughnessy stated that the sale of spirituous liquors would not materially affect his business and later, he read a letter submitted by Mr. O'Shaughnessy, to the City stating his establishment would be ruined without the license. Mr. Nylund said he hoped procedures would be reviewed in the future so the public would not attend meaningless meetings where their hands were tied.

Carol Nylund stated she understood the City Council recommended a class twelve liquor license for the O'Shaughnessy establishment that it was not zoned for. She said somewhere the process was broken and the liquor license should not have been recommended where it was not zoned. She said a liquor posting, the size of a sheet of paper, was posted in the middle of the fenced property with a "no trespassing" sign on the end, so you needed binoculars to read it. Everything about this case had been misrepresented and they were being penalized because people from the City of Tucson did not properly process this and allowed the recommendation of the liquor license application on property where it should have not been allowed. She wanted to know what would be done so this did not happen again and if there was anything that would help them if the City allowed something like this to happen in the future.

Richard Kenny said he lived a couple of hundred yards from the establishment. He said recently a patron from the restaurant stopped and relived himself adjacent to his home. He was confused by the process because he came into this late but he understood that state law took precedence. He wanted to know why the issues with the state licensing liquor board did not occur in Tucson. He said there were eighty people that attended the meeting at the Udall Center and it would have been a good idea to bring the proceedings that occurred in Phoenix down to Tucson. He said he was aware that there were other appeal operations where people could not change the venue to Tucson and it was a shame there was not a format where there would have been more public outcry here in town.

Mr. Diesel (sp) said there was a real building there now with a liquor license attached to it and there was nothing that could be done about it. He said they all knew the ownership before them and the venue was well known and established. The tools to make the business successful were taken care of and were in the hands of the Council. If those tools to make the business successful had been withheld, and the business failed, that license and building would still remain there. The ownership was known, along with the character of the ownership and restaurant. He said he sat with four ladies last week, whose names would be well known and that was an example of the character of the

business. This was not a place where rowdy people would congregate or would want to congregate. It was not that type of venue and he was sure that if Mr. O'Shaughnessy had the opportunity, if he had not already, he would invite everyone to take a look at it.

Vincent Ventel (sp) said he kept hearing the O'Shaughnessy establishment being called a bar and what it really was, was a piano house restaurant that catered to people in their sixties and seventies. He did not believe they would be in the parking lot making noise after hours. If everyone saw what was there and what Mr. O'Shaughnessy was providing for the neighborhoods and the seniors, they would change their minds.

Ms. Detrick, stated that if Mr. O'Shaughnessy had anything else to say he could speak at that time, otherwise it would be turned over to Mayor and Council.

Sam O'Shaughnessy stated he wished that the people opposing his restaurant would come to the establishment and see how elegant and beautiful the supper club was. He invited everyone to go and see what he was giving to the community.

Mayor Walkup called on Council Member West.

Council Member West asked the City Attorney to clarify for Mrs. Nylund the zoning of this property.

Mr. Rankin said that it was a C-1 zoning and a series twelve was allowable in a C-1 zoned establishment.

Council Member West said a 1996 *Land Use Code* revision mistakenly put a process in place that was indefensible and she apologized to those who followed the process in good faith. She said this type of appeal had not come before them prior to this situation. It was only during this incident that this had come to the attention of the City Attorney, who was not in the office in 1996 in the capacity he was now. She said Mr. Rankin had noted that the series twelve license that Mr. O'Shaughnessy obtained already contained a provision that allowed him to serve spirituous liquor, based on a four to two vote that was made in December of 2004. Council Member West informed Mr. O'Shaughnessy that a liquor license was a privilege. She said those who are granted licenses were expected to do the utmost to be a good neighbor to surrounding property owners. She said her office had to do a fair amount of work because of liquor license owners who did not take the responsibility seriously. She told Mr. O'Shaughnessy it was important for him to be a good neighbor to the surrounding property owners and suggested a security guard might be a good idea for his parking lot because this would be an intensive use in an otherwise quiet neighborhood. Council Member West asked the City Attorney to work with staff to remove this provision from the *Land Use Code* because it was unfair to both neighborhoods and to the liquor license applicants who held a series twelve, to have to come before Mayor and Council with an appeal that never was. Council Member West asked that Ms. Nylund's suggestion for reviewing the posting requirements be looked in to. She stated to have a tiny piece of paper in the middle of a property with a fence around it hardly was a public notice.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 7 to 0, to uphold the appeal and reverse the Zoning Examiner's decision and for the City Attorney to work with staff to remove this provision from the *Land Use Code* and to review posting requirements.

9. ZONING: (C9-04-20) OASIS BOTTLED WATER – 22ND STREET R-2 TO I-1, ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 66, dated February 7, 2006, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10247 by number and title only

Ordinance No. 10247 relating to zoning: amending zoning district boundaries in the area located at the southeast corner of 22nd Street and Neff Street in Case C9-04-20, Oasis Bottled Water – 22nd Street, R-2 to I-1; and setting an effective date.

It was moved by Vice Mayor Leal, duly seconded, to pass and adopt Ordinance 10247.

Mayor Walkup asked if there was any further discussion, upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott, and Trasoff;
Vice Mayor Leal and Mayor Walkup

Nay: None

Ordinance 10247 was declared passed and adopted by a roll call vote of 7 to 0.

10. ZONING: (C9-05-24) YOUNG - TANQUE VERDE ROAD, SR TO R-1, CITY MANAGER'S REPORT

Mayor Walkup announced City Manager's communication number 53, dated February 7, 2006, would be received into and made a part of the record. Mayor Walkup stated this was a request to rezone property from the south side of Tanque Verde at the Orange Avenue alignment. The Zoning Examiner and City Manager recommend approval subject to certain conditions. Mayor Walkup asked if the applicant or a representative was present, and if they were aware of and agreeable to the conditions.

Don Laidlaw, representing Laidlaw Consulting, stated that one of the conditions had been added after the Zoning Examiner's hearing and it had caused some concerns. Mr. Laidlaw said he wanted to study the matter in greater detail before he agreed or disagreed. He asked for a thirty day continuation of the matter.

Council Member West stated that Mr. Laidlaw and the owner of the property had been working with her office.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 7 to 0, to continue zoning case C9-05-24 for thirty days.

11. BOARDS, COMMITTEES AND COMMISSIONS: APPOINTMENT TO THE CIVIL SERVICE COMMISSION

Mayor Walkup announced City Manager's communication number 69, dated February 7, 2006, would be received into and made a part of the record. He asked the City Clerk to read Resolution 20280 by number and title only.

Resolution No. 20280 relating to the Civil Service Commission; appointing a Commissioner; fixing annual compensation; and declaring an emergency.

It was moved by Council Member West, duly seconded, to pass and adopt Resolution 20280, appointing Judith Patrick to the Civil Service Commission.

Mayor Walkup asked for a roll call on the motion.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott, and Trasoff;
Vice Mayor Leal and Mayor Walkup

Nay: None

Resolution 20280 was declared passed and adopted by a roll call vote of 7 to 0.

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 63, dated February 7, 2006, would be received into and made apart of the record. He asked for a motion to approve the appointments in the report.

It was moved by Vice Mayor Leal, duly seconded, and carried by a voice vote of 7 to 0, to reappoint Peggy Sackheim to the Fort Lowell Historic Zone Advisory Board, Steven P. Herzog, to the Tucson-Pima County Historical Commission, and Sofia H. Abrams to the Library Board.

Mayor Walkup asked if there were any personal appointments.

Council Member Trasoff asked for Mayor and Council support for her nomination of Barbara O'Brien to the Library Board. She said Ms. O'Brien was a dear friend who is a former librarian with tremendous service to this community.

Kathleen S. Detrick, City Clerk announced that this appointment would be put on next week's agenda for formal notice, since it was not noticed as a Mayor and Council appointment.

Council Member Scott announced her personal appointment of Claire Weeks to the Community Development Advisory Commission.

Council Member Trasoff announced her personal appointments of John Cousins to the Tucson Greens Committee; Dave Boston to the Tucson Pima Bicycle Committee; Michael McNulty to the Public Art and Community Design Committee, the reappointment of Jane McCollum to the Transportation Enterprise Area Management Team Oversight Commission, the reappointment of Edella Schlager to the Environment Services Advisory Committee; appointment of Deitrich D. Benjamin to the Small Business Commission; Ray Cusack to the Tucson Rodeo Grounds and Parade Oversight Committee, Cindy Jordan to the Gay, Lesbian, Bisexual, Transgender Commission; Elizabeth Przygoda to the Planning Commission; the reappointment of Joseph Maher Jr. to the Citizens Transportation Advisory Committee, and Jeff DiGregorio, Gayle Hartmann and John Richards to the Rio Nuevo Citizens Advisory Committee.

Council Member Uhlich asked if there were instances where members were not allowed to serve on multiple boards or commissions.

Ms. Detrick stated that it was allowed for some boards, but primarily for Code Committees, and she would need to know which board was in question.

Council Member Uhlich said she had previously appointed Elizabeth Przygoda to the Board of Adjustment. She did not know if there would be a conflict between the Board of Adjustment and the Planning Commission. She apologized to Council Member Trasoff for not being able to discuss that prior to the meeting.

Ms. Detrick said there was a conflict between the Board of Adjustment and the Planning Commission and the City Clerk's Office would contact the appointee to find out their preference.

Council Member Trasoff said she would be happy to go with whatever the Ms. Przygoda desired and one of them would just start over looking for an appointee.

13. ADJOURNMENT 6:35 p.m.

Mayor Walkup announced the Council would stand adjourned until its next regularly scheduled meeting to be held on Tuesday, February 14, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 7th day of February 2006, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:bt/ds